



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/573,092

10/30/2006

Bernd Meyer

30882/DP037

4464

4743

7590

08/21/2009

MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 SEARS TOWER
CHICAGO, IL 60606-6357

EXAMINER

WU, RUTAO

ART UNIT

PAPER NUMBER

3628

MAIL DATE

DELIVERY MODE

08/21/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/573,092	Applicant(s) MEYER ET AL.	
	Examiner ROB WU	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4 and 7-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 7-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. In response filed May 21 2009, the Applicant amended claims 1, 4, 7 and 12. Claims 3, 5 and 6 are canceled. Claims 1, 2, 4, 7-14 are pending in the current application.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 2, 4, 7-14 have been considered but are moot in view of the new ground(s) of rejection.

3. Applicant's arguments filed May 21 2009 have been fully considered but they are not persuasive.

With respect to the new amended claim 1, the Applicant asserts that Keong reference (U.S. Pub No 2005/0102203) does not disclose or teach a material flow computer that controls material flow so that goods are placed into picking containers or directly into a transport container because Koeng discloses that item retrieval is a manual operation. The Examiner respectfully disagrees. The language of claim 1 states a material flow computer controlling material flow so that the goods are placed into containers and do not prohibit manual retrieval as disclosed by Koeng, it is noted that the features upon which applicant relies (i.e., non-manual retrieval process) are not recited in the rejected claim(s). Although the claims are interpreted in light of the

Art Unit: 3628

specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Keong discloses that “the order-receiving-processing subsystem provides the worker with information on the whereabouts of the books, and providing information to the sorting station about what books are to go to which bay. [0074] [0075], [0124], [0125] Therefore Keong teaches a material flow computer that controls material flow so that goods are placed into picking containers or directly into a transport container.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4, 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub No 2005/0102203 to Keong in view of U.S. Pub No 2001/0049634 to Stewart.

Referring to Claim 1:

A method for producing a postal item, whereby order data for a postal item that is to be printed and/or sent is generated in an order component, the method comprising:

Keong discloses

Receiving electronic order data [0094]

Breaking down the order data into address information of a recipient and a goods identification code [0098]

Preparing the address information in a form that can be linked to the goods;
[0098]

Linking the goods to the address information, [0098]

Transmitting the goods identification code to a warehouse management control unit, the warehouse management control unit transmitting the order data to a material flow control computer and the material flow computer controlling material flow so that the goods and/or additional goods are placed into picking containers and/or directly into a transport container provided for the shipment as a postal item; [0074] [0075], [0124]

Delivering the goods linked to the address information as a postal item. [0098]

Keong does not expressly disclose storing the order data in a transaction computer controlling an automatic auction and that the recipient is a customer of an automated auction who placed a highest bid.

Stewart discloses an automatic auction system that stores the order data of the highest bidder of the auction along with the product data involved in the auction. [0026] [0104]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Keong to incorporate the auction system as disclosed by Stewart since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately. The auction system and the goods picking system would

Art Unit: 3628

continue to function the same in the combination as it did separately. Therefore, one ordinary skill in the art would have recognized that the results of the combination were predictable.

Referring to claim 2:

the method according to claim 1,

Keong discloses comprising generating a postage indicium based on the address information of the recipient. [0133]

Referring to claim 4:

the method according to claim 3,

Keong discloses comprising the transaction computer performing an automatic comparisons between the stock of goods and one or more pending orders. [0097]

Referring to Claim 7:

Keong do not expressly disclose the transaction computer transmits the address information of the customer who placed the highest bid in the auction procedure to a computer of a seller who is offering the goods for sale at auction.

Stewart discloses a transaction computer transmitting the address information of the customer who placed the highest bid in the auction procedure to a computer of a seller who is offering the goods for sale at auction.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Keong to incorporate the auction system as disclosed by Stewart since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same

Art Unit: 3628

function as it did separately. The auction system and the goods picking system would continue to function the same in the combination as it did separately. Therefore, one ordinary skill in the art would have recognized that the results of the combination were predictable.

Referring to claim 8:

Keong discloses the method according to claim 1, comprising generating a postage indicium for the postal item in an automated process. [0092]

Referring to claim 9:

Keong discloses the method according to claim 8, comprising controlling the generation of the postage indicium by a warehouse management control unit. [0092]

Referring to claim 10:

Keong discloses the method according to claim 8, comprising controlling the generation of the postage indicium by a computer of the recipient. [0092]

Referring to claim 11:

Keong discloses the method according to claim 8, comprising notifying the recipient of the execution of the franking. [0092]

Referring to claim 12:

A device for generating a postal item,
comprising, in combination:

a computer for receiving and storing address information and a goods identification code that identifies the goods to be transmitted to a warehouse management control unit, the warehouse management control unit transmitting the

Art Unit: 3628

order data to a material flow computer, the material flow computer controlling material flow to place the goods into picking containers and/or directly into a transport container provided for the shipment as a postal item; [0074], [0075], [0094], [0124]

a means for linking the goods to the address information, [0098] and

a postal service provider for delivering the goods linked to the address information as a postal item. [0098]

Keong does not expressly disclose storing the order data in a transaction computer controlling an automatic auction.

Stewart discloses an automatic auction system that stores the order data of the highest bidder of the auction along with the product data involved in the auction. [0026] [0104]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Keong to incorporate the auction system as disclosed by Stewart since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately. The auction system and the goods picking system would continue to function the same in the combination as it did separately. Therefore, one ordinary skill in the art would have recognized that the results of the combination were predictable.

Referring to claim 13:

The device according to claim 12,

Keong discloses wherein the means to link the goods to the address information is a printer. [0131]

Referring to claim 14:

The device according to claim 12,

Keong discloses wherein the means to link the goods to the address information is a transmitter that is designed in such a way that it can transmit the address information to a transponder that can be affixed to the goods. [0126]

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3628

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROB WU whose telephone number is (571)272-3136.

The examiner can normally be reached on Mon-Fri 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. W./
Examiner, Art Unit 3628

/JOHN W HAYES/
Supervisory Patent Examiner, Art Unit 3628